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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-968

13 **CATHERINE JOYA STEPHENS,**  
14 **aka CATHERINE STEPHENS**  
15 **5580 Tudor Way**  
16 **Loomis, CA 95650**

**ACCUSATION**

17 **Registered Nurse License No. 543344**  
18 **Nurse Practitioner Certificate No. 9797**  
19 **Nurse Practitioner Furnishing Certificate No. 9797**

Respondent.

20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
23 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
24 Department of Consumer Affairs.

25 2. On or about May 7, 1998, the Board issued Registered Nurse License Number  
26 543344 to Catherine Joya Stephens, also known as Catherine Stephens ("Respondent").  
27 Respondent's registered nurse license was in full force and effect at all times relevant to the  
28 charges brought herein and will expire on May 31, 2014, unless renewed.

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3. On or about May 13, 1998, the Board issued Nurse Practitioner Certificate Number 9797 to Respondent. Respondent's nurse practitioner certificate was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2014, unless renewed.

4. On or about February 3, 1999, the Board issued Nurse Practitioner Furnishing Certificate Number 9797 to Respondent. Respondent's nurse practitioner furnishing certificate was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2014, unless renewed.

## STATUTORY AND REGULATORY PROVISIONS

5. Business and Professions Code (“Code”) section 2750 provides, in pertinent part, that the Board may discipline any licensee for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

7. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions . . .

8. California Code of Regulations, title 16, section (“Regulation”) 1443 states:

As used in Section 2761 of the code, “incompetence” means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

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1 Kaiser, that lab tests and an EKG had been done and his cardiac enzymes were normal, and that  
2 the ED physician had diagnosed him with GERD. At the time of his office appointment, the  
3 patient was not complaining of any chest pain. Respondent examined the patient and proceeded  
4 with a rectal examination to evaluate the possibility of a gastrointestinal bleed. Respondent also  
5 found that the patient's blood pressure was elevated. Respondent ordered a repeat CBC and H.  
6 pylori test, prescribed Protonix (proton pump inhibitor) for treatment of GERD, and  
7 recommended that the patient stop smoking and drinking coffee. Respondent also instructed the  
8 patient to make a follow-up appointment in two weeks to evaluate his blood pressure.

9 13. On or about January 1, 2006, the patient died suddenly of an acute coronary artery  
10 thrombosis.

11 14. Respondent is subject to disciplinary action pursuant to Code section 2761,  
12 subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about December 30,  
13 2005, Respondent was guilty of incompetence in her care of patient R. H. within the meaning of  
14 Regulation 1443, as follows:

15 a. Respondent followed a course of action that only addressed the patient's symptoms of  
16 GERD.

17 b. Respondent failed to request the patient's ED records from Kaiser for comparative  
18 purposes, and provided treatment based on the patient's description or perception of the care  
19 rendered to him in the ED.

20 c. Respondent failed to order a chest x-ray, repeat EKG, and/or nuclear cardiac stress  
21 test for the patient.

22 d. Respondent instructed the patient to make a follow-up appointment in two weeks  
23 rather than schedule him for a complete physical examination.

24 **PRAYER**

25 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
26 and that following the hearing, the Board of Registered Nursing issue a decision:

27 1. Revoking or suspending Registered Nurse License Number 543344, issued to  
28 Catherine Joya Stephens, also known as Catherine Stephens;

2. Revoking or suspending Nurse Practitioner Certificate Number 9797, issued to Catherine Joya Stephens, also known as Catherine Stephens;

3. Revoking or suspending Nurse Practitioner Furnishing Certificate Number 9797, issued to Catherine Joya Stephens, also known as Catherine Stephens;

4. Ordering Catherine Joya Stephens, also known as Catherine Stephens, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

5. Taking such other and further action as deemed necessary and proper.

DATED: APRIL 26, 2013

*Stacie Ben*  
for LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

SA2012106855